

# Hinshaw & Culbertson LLP's Annual Labor & Employment Seminar

Designed for human resources professionals, in-house legal counsel and employers, this informative seminar will include an examination and analysis of current issues affecting employers. Practical strategies for minimizing your organization's exposure to claims will be offered.

Tuesday, October 5, 2010

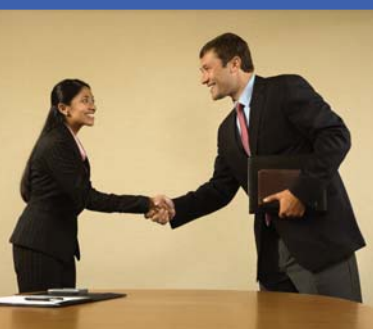
9:00 a.m. – 3:45 p.m.

*Registration begins at 8:30 a.m.*

The Stonegate Conference  
& Banquet Centre

2401 West Higgins Road  
Hoffman Estates, Illinois

HR professionals can earn continuing education credit toward PHR and SPHR recertification. Attorneys may earn CLE credit.



## Registration Fee

**\$85 registration fee** includes continental breakfast, seminar materials and lunch.

## Discounts

Hinshaw clients and multiple registrants from the same organization will receive a **\$30 discount off the full price registration fee (equal to \$55/person)**.

**HINSHAW**  
& CULBERTSON LLP



Register online today at  
<http://www.zoomerang.com/Survey/WEB22B3K2PHRH6>

# Seminar Schedule

**Continental Breakfast and Registration from 8:30 a.m. – 9:00 a.m.**

**General Session from 9:00 a.m. – 11:45 a.m.**

## Welcome Remarks

*Speaker: James R. Pirages*

## Significant Court Decisions Affecting Labor & Employment Law

The presenters will address recent developments in the ever-changing landscape of employment law claims, including critical court decisions from 2010. Subjects covered will include recent clarifications from the U.S. Supreme Court regarding the application of arbitration agreements, the practical effect of the Court's decision in *Lewis v. City of Chicago* on untimely claims, the aftermath of the High Court's ruling in *New Process Steel v. NLRB* on decisions rendered by a two-member Board, and much more. Additionally, the speakers will provide a preview of the biggest cases pending before the Supreme Court in its upcoming term.

*Speakers: Aimee E. Delaney and Scott M. Gilbert*

## The Obama Administration's Employment Law Initiatives (and Some State Law, Too)

The presenters will highlight recently enacted, pending and proposed initiatives in employment law on both a federal and state basis. Also highlighted will be initiatives expected during the next two years.

*Speakers: Jennifer M. Ballard and Tom H. Luetkemeyer*

## Break

## Health Care Reform: Where We Are Now

Health care reform is already here for some employer health plans. Many more employer plans will be affected by new rules effective January 1, 2011. The panelists will summarize the new regulations and other official guidance, provide a checklist of items to review for 2011 open enrollment, give an update on the constitutional challenges to the health care reform legislation, and discuss what's on the horizon.

*Speakers: Anthony E. Antognoli and James D. Harbert*

**Lunch from 11:45 a.m. – 1:00 p.m.**

**Breakout Sessions from 1:00 p.m. – 1:45 p.m.**

## Update on Critical Issues of FLSA

Fair Labor Standards Act (FLSA) collective actions are one of the fastest growing areas of federal litigation. The presenters will address compliance with the Act and preventative steps that employers can take to avoid these problematic claims. They will also discuss the necessary and immediate steps required when an employer first learns of a claim. In addition, the presenters will address key class action laws and issues from selected states and how they can impact business operations.

*Speakers: Andrew B. Cripe and Clint D. Robison*

## Basic Employment Law 101 – Handbook Policies and Procedures

This presentation is designed for human resource professionals with less than five years of decision-making experience. The presenter will discuss the types of policies that every employer should have, the continuing utility of disclaimers and the art of drafting policies to preserve discretion for managers in the workplace.

*Speaker: Linda K. Horras*

## How to Block the Punch of Retaliation Claims

The floodgates are open for retaliation claims, and employers need to know how to manage the many resulting risks. The presenters will address both public and private sector employers' obligations, and risk management options for prevention and litigation of retaliation claims under the Sarbanes-Oxley Act, as well as the U.S. Supreme Court's decision in *Burlington Northern & Santa Fe (BNSF) Railway Co. v. White*. The focus will be the direct impact of new case law and legislation in the areas of financial reform, health care reform and the private sector's exposure to retaliation claims. Information and guidance on key Illinois, California and Florida state issues will be provided.

*Speakers: John L. Gilbert and Cheryl Wilke*

# Seminar Schedule

## Breakout Sessions from 2:00 p.m. – 2:45 p.m.

### Get on the Case: How to Manage Risk in Workplace Investigations

Employers are frequently confronted with the need for delicate and sophisticated internal investigations regarding some of their most trusted employees. Whether it is a claim of sexual harassment, suspicion of financial misconduct or potential criminal activity, an internal investigation needs to be conducted in an appropriate manner necessary to manage risk and make defensible decisions. The presenters will discuss how to select the investigation team, define the issues, locate critical documents, identify relevant witnesses, conduct productive and effective interviews, protect the integrity of the investigation, document the evidence collected and organize the information uncovered into a succinct and proper investigation report. They will also walk attendees through approaches that work and point out traps and pitfalls that make an investigation an easy target for attack by a government agency or plaintiff's attorney.

**Speakers:** *Paul J. Cherner and Michael J. Leech*

### The Ever-Expanding Coverage of the Family and Medical Leave Act

While the Family and Medical Leave Act (FMLA) has been in effect for 17 years, its coverage and requirements for employers continue to change and, more recently, to expand. The presenters will focus on employer compliance with the FMLA, present requirements of the Act, and the possible future expansion of the law's leave coverage regarding injured service members, qualifying exigencies, serious health conditions and more.

**Speakers:** *Geri Lynn Arrindell and James R. Pirages*

### Business Immigration Compliance Tips: Anticipating Workplace Enforcement Actions

The U.S. Department of Homeland Security and the U.S. Department of Labor have recently announced sweeping immigration compliance initiatives affecting all U.S. employers. The presenters will provide an overview of recent efforts by these agencies related to compliance issues, state legislative actions involving immigration, and tips on how to best prepare for potential workplace compliance actions.

**Speakers:** *Penelope M. Lechtenberg and Carlos A. Ortiz*

## Breakout Session from 3:00 p.m. – 3:45 p.m.

### The Double-Edged Sword of Social Media

The use of social networking websites has increased exponentially in recent years. Employers have consequently found themselves faced not only with a decrease in productivity, but also with a host of other legal issues. The presenters will discuss legal considerations that employers need to contemplate in dealing with their employees' use of social networking sites, such as disclosure of confidential company information, discrimination, harassment and misconduct.

**Speakers:** *Amy K. Jensen and Clay M. Ullrick*

### Labor Law Crystal Ball: The Effect President Obama's NLRB and NLRA Legislative Initiatives Will Have on Non-Union Employers

With President Obama's recent appointment of three of the five members of the National Labor Relations Board (NLRB), it is anticipated that the Board will operate with a more pro-union and pro-employee philosophy. The new Board may ultimately change some prior NLRB decisions, such as application of *Weingarten* rights to non-union employees, and whether a union may use an employer's email system during an organizing campaign and election. The presenters will focus on the potentially significant impact that changes in federal labor law will have on non-union employers.

**Speakers:** *Alex Breland and Thomas Y. Mandler*

### Discrimination Law 101 – Evidence and Burdens of Proof in Discrimination and Retaliation Cases

This presentation is designed for human resource professionals with less than five years of decision-making experience. The presenter will discuss the early assessment of a discrimination or retaliation claim, the shifting burdens of proof, the types of evidence typically used in discrimination and retaliation cases, and what makes a case attractive to a plaintiff's attorney.

**Speaker:** *Daniel L. Farris*

## Seminar Speakers



**Anthony E. Antognoli** focuses his business practice in the representation of large and midsized clients in the areas of federal taxation, employee benefits, ERISA and general corporate matters. He primarily counsels clients regarding transactional matters, but has also represented clients in controversies before the Internal Revenue Service and U.S. Department of Labor, and in litigation in the U.S. Tax Court and the U.S. District Court for the Northern District of Illinois.



**Geri Lynn Arrindell** is a former Assistant Attorney General in the General Law Bureau of the Illinois Attorney General's office and has diverse and considerable litigation experience representing state agencies and governmental employees. She has handled employment law, personal injury and civil rights cases before state boards, commissions and in federal court.



**Jennifer M. Ballard** represents private and public sector employers in a full range of labor and employment matters. She has represented employers during union organizing efforts, collective bargaining negotiations and administrative hearings before the National Labor Relations Board, and also routinely represents employers in federal court in disputes and litigation involving harassment, discrimination, wage and overtime claims.



**Alex Breland** practices in the areas of labor and employment law and school law. He defends against discrimination claims in both the public and private sectors, and negotiates collective bargaining agreements on behalf of local governmental agencies and school districts. Mr. Breland also attends administrative hearings regarding special education matters.



**Paul J. Cherner** has more than 35 years of experience in advising businesses on compliance with federal and state labor and employment laws. He counsels businesses within various manufacturing and service industries, and has successfully represented clients before state and federal agencies, as well as in formal court proceedings.



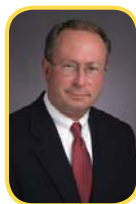
**Andrew B. Cripe** focuses his practice on employment litigation and counseling and traditional labor union law. He represents employers in a variety of litigation matters, and regularly counsels them in connection with international employment issues and domestic compliance issues.



**Aimee E. Delaney** represents employers in a wide variety of employment litigation matters, including the defense of class action lawsuits, individual claims of discrimination, harassment, and wage and hour violations. She also handles breach of contract disputes.



**Daniel L. Farris** assists clients in the drafting and revision of employment agreements, employee handbooks, and nondisclosure, non-solicitation and noncompete agreements. He has also represented clients in employment litigation in a variety of state and federal courts and administrative agencies.



**John L. Gilbert** concentrates his practice in the areas of labor and employment law, commercial law, higher education law and civil rights defense. He provides counseling and advice to clients, and litigates matters, including class actions cases, in his areas of practice.



**Scott M. Gilbert** advises management in a wide array of labor and employment law matters. He is experienced in handling employment discrimination cases, wage and hour issues, defamation and breach of contract claims and traditional labor disputes. He also regularly reviews and analyzes employee handbooks and personnel policies for his clients, and provides harassment and discrimination training.



**James D. Harbert** concentrates his practice in the areas of employee welfare and pension benefit plans, defense of employee plan fiduciaries and professionals, and federal and state taxation. Mr. Harbert regularly represents clients in those areas in civil litigation and governmental investigations, as well as in situations outside of litigation.



**Linda K. Horras** practices exclusively in the defense of employment and labor matters. She routinely represents employers in federal court and before regulatory agencies. Ms. Horras has litigated employment contract disputes, retaliatory discharge claims, and breach of fiduciary duty suits in federal and state courts.

## Seminar Speakers



**Amy K. Jensen** represents private and public sector clients in labor and employment law matters, including discrimination, harassment, disability and retaliation claims. She defends claims in both state and federal courts, as well as before governmental agencies. Ms. Jensen also counsels and advises employers in making employment and risk management decisions, and assists her clients in developing and implementing processes consistent with their business objectives and applicable labor laws.



**Penelope M. Lechtenberg** represents management in labor and employment law matters before federal and state courts and administrative agencies. She also advises corporate and individual clients in immigration matters involving the U.S. Citizenship and Immigration Services, U.S. Department of Labor and Department of State, handling subjects ranging from immigration petitions to compliance audits and workplace investigations.



**Michael J. Leech** is a trial lawyer, mediator and co-author of legal textbooks. He is a nationally recognized authority on employment law. Mr. Leech has tried to jury verdict cases arising under the full range of employment laws, including both federal and state discrimination laws as well as actions under state contract and tort law.



**Tom H. Luetkemeyer** represents management and employers in the full range of labor and employment matters. He regularly handles discrimination matters before state and federal administrative agencies, and represents employers in a variety of union-related concerns. Mr. Luetkemeyer is an Adjunct Professor at Loyola University of Chicago School of Law and teaches labor law, employment law and employment discrimination.



**Thomas Y. Mandler** has for more than 35 years advised businesses and management on a broad range of labor and employment law matters. He represents employers in collective bargaining, grievance and arbitration and National Labor Relations Board proceedings, as well as in strikes and injunctions. He also counsels employers in all types of matters relating to employees. He was elected as a Fellow of the College of Labor and Employment Lawyers in June 2009. In June 2010, Mr. Mandler was named to the list of "Most Powerful Employment Attorneys - Top 10 for Labor Law," by *Human Resource Executive Magazine*®.



**Carlos A. Ortiz** represents employers in lawsuits alleging claims involving harassment and discrimination, the FLSA, the ADA, wrongful discharge, wage and hour, and various other state and federal employment statutes. He also handles claims involving enforcement of restrictive covenants, and has successfully obtained temporary restraining orders and injunctions. Mr. Ortiz counsels and defends employers in risk management, compliance and workers' compensation issues. He also handles immigration matters for employers and individuals. Mr. Ortiz is fluent in Spanish.



**James R. Pirages** has for more than 25 years represented management and employers in labor and employment matters. He handles unfair labor practice and discrimination charges, and matters involving OSHA inspections and citations. Mr. Pirages represents employers in wage and hour matters, and has extensive experience in matters involving union representation. He also represents management in collective bargaining negotiations, and advises on discipline and discharge matters. Mr. Pirages is the chair of Hinshaw's national Labor and Employment Practice Group.



**Clint D. Robison** focuses on employment litigation and advice, including wage and hour matters, discrimination claims, employment contracts, trade secret issues, retaliation claims, sexual harassment claims, and ADA issues. Mr. Robison also defends employment class actions. He is the Los Angeles office's coordinator of the firm's mentoring program.



**Clay M. Ullrick** concentrates his practice on employment litigation and counseling. He has represented employers in a wide variety of employment litigation matters, including the defense of class action employment lawsuits and individual claims of discrimination, harassment, wage and hour violations, and violations of COBRA and ERISA provisions.



**Cheryl Wilke** focuses her practice in the representation of employers in labor and employment matters, including providing comprehensive risk management programs and safety-related legal advice. She counsels on all aspects of employer/employee relations, including business litigation, regulatory compliance, employment defense litigation and workers' compensation matters. Ms. Wilke also practices in the area of high-dollar commercial collections work and services. She is co-leader of one of Hinshaw's national Business Transactions Departments.

# Seminar Information at a Glance

## Who Should Attend?

- Employers
- Human Resource Professionals
- In-House Legal Counsel

## What Will Participants Learn?

Participants will learn about current trends and developments in labor and employment law and gain practical strategies for minimizing an employer's exposure to claims.

## Why Is This Seminar Unique?

Attorneys who have a depth of knowledge and experience in all areas of labor and employment, employee benefits and immigration law will be together at one time and place to provide employers with practical solutions to common challenges.

## Date & Location

Tuesday, October 5, 2010  
The Stonegate Conference & Banquet Centre  
2401 West Higgins Road  
Hoffman Estates, Illinois

## Registration Fee

\$85 registration fee includes continental breakfast, seminar materials and lunch.

## Discounts

\$30 discount per person will be offered to Hinshaw clients.

\$30 discount per person when registering multiple people from the same organization.

## Registration

To register online for the Annual Labor & Employment Seminar, please go to <http://www.zoomerang.com/Survey/WEB22B3K2PHRH6>. Alternatively, you may register by mail using the attached registration form.

For additional information regarding Hinshaw or the firm's Labor & Employment Practice, please visit Hinshaw's website at [www.hinshawlaw.com/laborandemployment](http://www.hinshawlaw.com/laborandemployment).

## Directions & Map

### From the north:

Take Route 53 south to I-90 west to Barrington Road. Exit south and travel for approximately one-quarter mile to Higgins Road (72). Turn left onto Higgins and then turn right into The Stonegate.

### From the south:

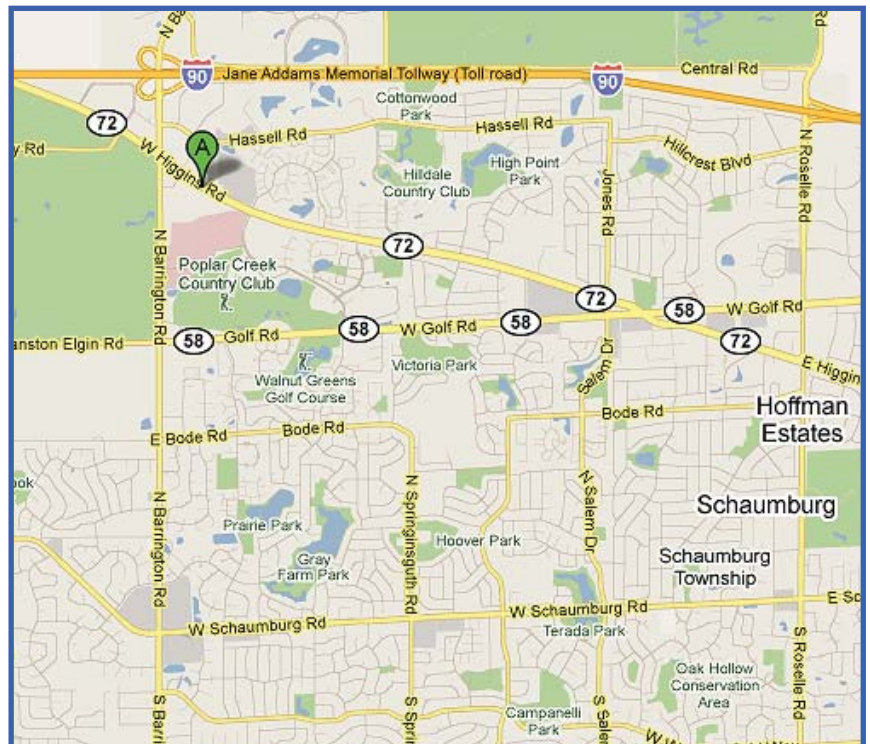
Take I-355 north to I-290 west to I-90 west to Barrington Road. Exit south and travel for approximately one-quarter mile to Higgins Road (72). Turn left onto Higgins and then turn right into The Stonegate.

### From the east:

Take I-90 west to Barrington Road. Exit south and travel for approximately one-quarter mile to Higgins Road (72). Turn left onto Higgins and then turn right into The Stonegate.

### From the west:

Take I-90 east to Route 59. Exit north and travel for approximately one-quarter mile to Higgins Road (72). Turn right onto Higgins. The Stonegate will be after the intersection of Higgins and Barrington Road, about 1 mile from Route 59.



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# Hinshaw & Culbertson LLP's Annual Labor & Employment Seminar

## Registration by Mail Please Type or Print

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address:\* \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

(\*Required to process enrollment. Email addresses will remain private and will not be shared with others or used for alternative purposes.)

To pay by credit card or check, register online at <http://www.zoomerang.com/Survey/WEB22B3K2PHRH6>

Or, mail registration form and check in the amount of \$\_\_\_\_\_, payable to: Hinshaw & Culbertson LLP  
Attn: Renee Odom  
222 North LaSalle Street, Suite 300  
Chicago, Illinois 60601

**Please indicate which Breakout Sessions you will attend (this information is required to process enrollment):**

### 1:00 p.m. – 1:45 p.m. Breakout Sessions

- Update on Critical Issues of FLSA
- Basic Employment Law 101 – Handbook Policies and Procedures
- How to Block the Punch of Retaliation Claims

### 2:00 p.m. – 2:45 p.m. Breakout Sessions

- Get on the Case: How to Manage Risk in Workplace Investigations
- The Ever-Expanding Coverage of the Family and Medical Leave Act
- Business Immigration Compliance Tips: Anticipating Workplace Enforcement Actions

### 3:00 p.m. – 3:45 p.m. Breakout Sessions

- The Double-Edged Sword of Social Media
- Labor Law Crystal Ball: The Effect President Obama's NLRB and NLRA Legislative Initiatives Will Have on Non-Union Employers
- Discrimination Law 101 – Evidence and Burdens of Proof in Discrimination and Retaliation Cases

If you have any questions, please contact Renee Odom at 312-704-3050 or via e-mail at [rodom@hinshawlaw.com](mailto:rodom@hinshawlaw.com).

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